

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:09cr63

UNITED STATES OF AMERICA, )

)

)

vs. )

)

)

KENNETH LEE GARDNER. )

)

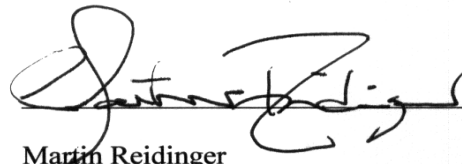
ORDER

**THIS MATTER** is before the Court on the Motion to Secure Documents for Use in Appeal [Doc. 61] of defense counsel.

Counsel has recently been appointed to represent the Defendant on direct appeal. [Doc. 60]. He thus is unable to access certain documents filed under seal prior to his representation of the Defendant. In order to provide assistance on appeal, counsel needs such access. As a result, it will be granted.

**IT IS, THEREFORE, ORDERED** that the Motion to Secure Documents for Use in Appeal [Doc. 61] is hereby **GRANTED** and Charles R. Brewer, attorney for the Defendant on appeal, is hereby allowed access to Documents 2, 4, 12, 17, 18,19, 20, 27 and 57.

Signed: October 1, 2010

  
Martin Reidinger  
United States District Judge

